

REMARKS

Claims 39, 40, 42, 44-47 and 49-70 are pending in the application.

Claims 39, 40, 42, 44-47 and 49-70 stand rejected.

Claims 39-40, 42, 44, 46-47, 49-53, 58, 61, 64-66 and 68 have been amended.

Formal Matters

Claim 61 stands objected to because of an informality related to the use the mnemonic “CTP”. Claim 61 has been amended to address this issue.

Rejection of Claims under 35 U.S.C. §112

Claims 39 and 47 stand rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention. Claims 39 and 47 have been amended to address these issues.

Rejection of Claims under 35 U.S.C. §102

Claims 39, 40, 42, 44-47 and 49-70 stand rejected under 35 U.S.C. § 102(e) as being anticipated by Elsey, et al., U.S. Patent No. 6,870,921 B1 (Elsey).

While not conceding that the cited reference qualifies as prior art, but instead to expedite prosecution, Applicants have chosen to respectfully disagree and traverse the rejection as follows. Applicants reserve the right, for example, in a continuing application, to establish that

the cited reference, or other references cited now or hereafter, do not qualify as prior art as to an invention embodiment previously, currently, or subsequently claimed.

As will be appreciated, “[a] claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.” *Verdegall Bros. V. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). Applicants respectfully submit that this standard is not met by the disclosure of Elsey.

For example, claim 39 reads as follows:

39. A database system comprising:
a partitionable database, wherein

the partitionable database is owned by a database operator,
the partitionable database comprises a plurality of distinct files,
each of the distinct files is associated with an owner,
the owner is a tenant of the partitionable database,
the owner is other than the database operator,
the partitionable database is partitioned into a plurality of virtual databases, and
each of the virtual databases corresponds to a distinct one of the tenants in such a
manner that a partitioned virtual database for a tenant comprises stored
files associated with the tenant; and

an access control subsystem, wherein

the access control subsystem is coupled to the virtual databases, and
the access control subsystem is configured to provide access to files in a virtual
database of the virtual databases to a user only when the user has access
authorization to virtual database of the virtual databases from the tenant
who owns the virtual database of the virtual databases.

The cited portions of Elsey read as follows:

“A corporation may also take advantage of the present invention by keeping the contact information of all of its employees in a private directory database. The database owner, in this example, the corporation, sets up access rights to such information. Again, different levels of access may be set up for different employees.” (Elsey, col. 4, ll.26-32)

As can be seen, the cited portion of Elsey conveys no teachings whatever with regard to a partitionable database or a virtual database, or that a partitionable database can be partitioned into a plurality of virtual databases or that an access control subsystem can be employed to control access to files in a virtual database of the virtual databases, to give just a few examples. Applicants therefore respectfully Elsey fails to anticipate the claimed invention.

Claim 46 reads as follows:

46. A method comprising:
managing a database system, comprising
granting access authorization to a user for one virtual database of a plurality of
virtual databases by an owner of the virtual database, wherein
the database system comprises a partitionable database,
the partitionable database comprises a plurality of virtual databases,
the virtual databases comprise the one virtual database, and
each of the virtual databases has a unique database owner; and

providing to the user access to a file in the one virtual database after the user has been granted the access authorization.

As to the first element, even prior to amendment, Applicants respectfully submit that the rejection (again based on col. 4, ll. 26-32, of Elsey), fail to show numerous of the recited limitations. Moreover, as amended, the Office Action fails to demonstrate that Elsey teaches the newly added limitations.

As to the second limitation, the cited portions of Elsey read as follows:

“This individual, whom is referred to as the owner of the private directory, may want to allow his/her spouse access to the personal private directory. The owner of the directory can allow the spouse only the right to view the personal private directory. In this instance, the spouse would be referred to as a "read only" user. Alternatively, the owner may way to allow his/her spouse to add his/her own contact information in the personal database. In this instance, the spouse would also be an administrator of the personal directory.” (Elsey, col. 4, ll.16-25)

The foregoing is said to teach “providing to the user access to a file in the one virtual database after the user has been granted the access authorization.” As an initial matter, and as noted, no mention of a virtual database is made in the foregoing passage, and, insofar as Applicants are able to discern, anywhere else in the reference. The only concept taught by the foregoing passage is user access rights, wherein a user is granted certain rights (e.g., read,

read/modify, and so on) to certain files and/or directories. No statements are made, however, that teach, or even acknowledge, access authorization to a virtual database that has been granted by an owner of that virtual database.

In addition to the foregoing reasons, claim 64 can be distinguished (among even further distinctions) from the teachings of Elsey in the following manner. Claim 64 reads as follows:

64. A method comprising:
managing a multi-tenant database, wherein
the multi-tenant database comprises a plurality of virtual databases,
each of the virtual databases has a distinct owner,
each distinct owner is one of the tenants,
each of the virtual databases has multiple associated groups of data, and
the managing comprises
setting access privileges for the groups of data in each of the virtual
databases based at least in part on the tenant that owns the
database; and
for each of multiple requests by a user to one of the data groups in one of
the virtual databases,
determining whether to grant access to the user for the requested data
group based at least in part on a relationship of the user to the
tenant that owns the virtual database that comprises the requested
data group;
when the relationship of the user to the owner tenant is determined to be
an employee relationship, granting access to the user for the
requested data group; and
when the relationship of the user to the owner tenant is not determined to
be an employee relationship, granting access to the user for the
requested data group only when the owner tenant is determined to

have provided access authorization to the user for that requested data group.

With regard to the portion of claim 64 that reads:

“...
...

managing a multi-tenant database, wherein

the multi-tenant database comprises a plurality of virtual databases,

each of the virtual databases has a distinct owner,

each distinct owner is one of the tenants,

each of the virtual databases has multiple associated groups of data, and

...”

the following passage from Elsey is cited:

“A corporation may also take advantage of the present invention by keeping the contact information of all of its employees in a private directory database.” (Elsey, col. 4, ll.26-28)

Applicants respectfully submit that, even if (as the Office Action suggests) one can interchange “stored files” and “private directory” (which Applicants respectfully argue is both irrelevant and inapposite), the limitations recited in the portion of claim 64 reproduced above are not taught by the cited portion (or, insofar as Applicants are able to discern, in any portion) of

Elsey. Certainly, Applicants respectfully submit that nowhere in Elsey is there to be found a multi-tenant database that comprises a plurality of virtual databases, each of which has multiple associated groups of data. The distinction becomes even greater when the ownership structure is also considered.

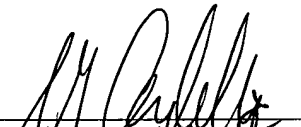
Applicants further respectfully note that the Office Action states, in each instance of the foregoing claims, that certain claim language “could [be taken to] mean” language used in Elsey. For example, with regard to claims 39 and 46, the Office Action states that “... ‘stored files’ could mean ‘private directory’” (Office Action, at p. 4 and at p. 5) Applicants are unclear as to whether it is intended that Official Notice is being taken of the language being interchangeable, that one of skill in the art would take one concept for the other or some other interpretation of these statements is intended. Applicants therefore request that Official Notice be taken in this regard, or the claim rejections based on such theories be withdrawn.

Applicants therefore respectfully submit that independent claims 39, 46 and 64 are allowable over Elsey and so respectfully request that the rejection of claims 39, 46 and 64 under §102(e) be withdrawn. Applicants further respectfully submit that dependent claims 40, 42, 44-45, 47, 49-63 and 65-70 are allowable as depending upon allowable base claims in addition to being allowable for various other reasons.

CONCLUSION

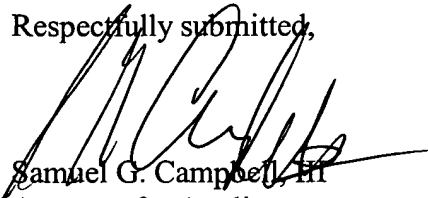
In view of the amendments and remarks set forth herein, the application is believed to be in condition for allowance and a notice to that effect is solicited. Nonetheless, should any issues remain that might be subject to resolution through a telephonic interview, the Examiner is invited to telephone the undersigned at 512-439-5084.

I hereby certify that this correspondence is being deposited with the United States Postal Service as First Class Mail in an envelope addressed to: Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on September 22, 2006.


Attorney for Applicants

9/22/06
Date of Signature

Respectfully submitted,


Samuel G. Campbell, III
Attorney for Applicants
Reg. No. 42,381
Telephone: (512) 439-5084
Facsimile: (512) 439-5099